

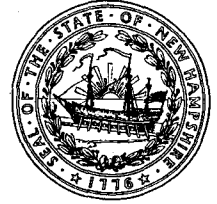


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588

LETTER OF DEFICIENCY
WET 2005-009



May 03, 2005

Nathaniel Friedlander
PO Box 525
Dennisport, MA 02639

RE: DES Wetlands File #2005-00813, Sheldon Road, Danbury

Dear Mr. Friedlander:

On April 22, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Danbury Tax Map 409 as Lot 80 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A culvert and associated fill had been placed in a seasonal stream for a driveway crossing;
2. Approximately 150 linear feet of a seasonal stream had been dredged; and
3. Approximately 1,000 square feet of fill for a driveway had been placed in wetlands.

DES records indicate that a permit had not been obtained for the above-referenced work in violation of RSA 482-A:3. DES is currently conducting historical research to determine if additional wetlands on the Property have been impacted.

In response, you are requested to take the following actions:

1. Immediately stabilize exposed soils adjacent to the seasonal stream with seed and mulch with straw;
2. By June 6, 2005, retain a certified wetland scientist to delineate the Property in accordance with Section F of the *Corps of Engineers Wetlands Delineation Manual* (January 1987). A list of certified wetland scientists may be found at <http://www.state.nh.us/jtboard/wslist.htm>;
3. By July 15, 2005, submit to DES an after-the-fact application (enclosed) to retain the culvert and fill in wetlands associated with the driveway. Have the application prepared by a certified wetland scientist, and include provisions for the removal of sediment from the stream channel and any fill placed in wetland for lot development.

In addition to the after-the-fact application, submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2491 9038

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Danbury Conservation Commission
Danbury Board of Selectmen
USACOE